

**REMARKS**

The claims have been amended as suggested by the Office, thus obviating the rejection newly made under 35 U.S.C. § 101 and responding to the objection to claim 14.

Again, applicants greatly appreciate the withdrawal of the rejections previously made.

With respect to the rejection of claims 1, 4-6, 14 and 19-26 as anticipated by McRory, *et al.*, (*Soc. Neurosci. Abstr.* (1999) 25:197) presented at the annual meeting held October 23-28, 1999, this document is cited under 35 U.S.C. § 102(a) and is the work of the present applicants. Applicants note with appreciation that claims 2 and 18, which solely concern SEQ ID NO: 37 are free of this rejection; it is believed that claims 20 and 21, which depend from claim 2 and are therefore restricted to SEQ ID NO: 37, are mistakenly included.

Nevertheless, enclosed herewith is a declaration of Dr. Terrance Snutch verifying that Dr. Snutch's co-authors of the abstract worked entirely under his direction and made no inventive contribution. This declaration should obviate the outstanding basis for rejection over the art. *In re Katz*, 687 F2d 450, 215 USPQ 14 (CCPA 1982) cited at MPEP § 715.01(c).

For purposes of explanation, it is noted that the co-inventor herein, David L. Baillie, does not appear as an author on the abstract. This is because the abstract is an incomplete report of the subject matter described. The full paper describing this work, which appeared subsequent to the filing date herein, is enclosed and includes Dr. Baillie as a co-author. (*J. Biol. Chem.* (2001) 276:3999-4011.)

In view of the amendment to the claims and the enclosed declaration, it is believed that claims 1-2, 4-6, 14 and 18-26 are in a position for allowance and passage of these claims to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 381092000721.

Respectfully submitted,

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